
Chairperson Werth called the meeting to order at 4:35p.m.

I. Roll Call

Present: Sandra Werth, Chairperson
Steve Reno, Vice Chairperson
Matt Ray, Secretary
Tony Bartolotta, Commissioner
Dave Kramer, Commissioner
Scott Sintkowski, Commissioner
Colleen Murphy, Commissioner

Also Present: Scott Alef, Planner II
Amy Williams, Departmental Aide
Rob Merinsky, Director/Engineering
Gary Dovre, Township Attorney

II. Approval of the December 10, 2019 Planning Commission meeting minutes as corrected.

MOTION AND VOTE

Moved by Kramer

*Supported by Reno; Resolved to **APPROVE** the Minutes of the December 10, 2019 Planning Commission Meeting as corrected.*

**MOTION CARRIED UNANIMOUSLY
(7-0)**

III. Approval of January 28, 2020 Planning Commission meeting agenda.

MOTION AND VOTE

Moved by Reno

*Supported by Bartolotta; Resolved to **APPROVE** the January 28, 2020 Planning Commission Meeting Agenda.*

**MOTION CARRIED UNANIMOUSLY
(7-0)**

IV. Public Hearings

- 1.) Special Approval. 19-12-01, AT&T Mobility (Staff Reviewer – Scott Alef) (RE-REVIEW)
Location: 6515 Highland Rd

Request:	Special Approval under Section 2-600 and 4-006 of the Waterford Zoning Ordinance to permit a new wireless communication facility in an O-2, General Office Zoning District.
Parcel I.D. No.:	13-20-129-004
Applicant:	AT&T Mobility c/o Haley Law Firm, PLC

Applicant or representative present: Walley Haley

Commissioner Sintkowski stated that he lives within 500ft. of the proposed tower and that he is a customer of AT&T. He asked if he should reclude himself from this case.

MOTION AND VOTE

Moved by Bartolotta

Supported by Kramer; Resolved to not reclude commissioner Sintkowski from this hearing.

**MOTION CARRIED UNANIMOUSLY
(6-0)**

Mr. Alef gave a brief visual presentation of the site location of a proposed monopole cellular tower across from the airport. The applicant wishes to fill a gap in coverage.

During the public portion of the meeting, the following spoke regarding this request.

Mr. Haley argued his case that the tower should be installed in commercial/busy areas and not in residential, and that other carriers will want to collocate on this tower. His client has agreed to lower the height from 100ft. to 85ft. in the hope to satisfy any airport height concerns. They now have the FAA report that supports a tower of the original height in this location. They have submitted revised plans that no longer require a variance, and he feels that the lights would make it more visible and not hinder helicopter pilots.

Cheryl Bush, Manager of Aviation for the Oakland County Airport spoke up to voice continued concerns for a tower in this location that helicopters routinely travel over. Although she appreciates, the concessions AT&T is trying to make, she still feels strongly that another location would be more suitable and not jeopardize the safety of pilots.

Discussion continued to see if any compromise could be made that would make this any less of a safety concern for pilots.

Attorney Dovre spoke to the board to advise on using the motion templates provided and reminded them to be sure to include any conditions for items not yet addressed, like a fall zone letter.

MOTION AND VOTE

Moved by Reno

Supported by Bartolotta to deny the request for special approval for the following reasons:

1. *The proposed 90 feet tall tower facility would be detrimental to the public safety and welfare contrary to Section 6-100.6.A(1) of the Ordinance based on the safety concerns documented in the record from the Oakland County International Airport, Mead & Hunt, the Oakland County Sheriff, and Magnum Helicopters, which reflect local concerns that the FAA approval and Michigan Department of Transportation Tall Structures Permit do not appear to have taken into account.*
2. *The location and design of the proposed 90 feet tall tower facility would not be harmonious with the surrounding area, which includes Oakland County International Airport, as required by Section 6-100.6.A(2) of the Ordinance.*
3. *The soils report required by Section 6-100.6.A(13) of the Ordinance has not been provided.*
4. *A current certified fall zone letter as required by Section 6-100.7.B of the Ordinance has not been provided.*
5. *The deficiency in fees of \$1,450.00 has not been corrected by payment or a waiver by the Township.*
6. *This Motion includes the following findings and conclusions:*

The following findings are made on the review criteria in Ordinance Section 4-006.3

- A. *The proposed new wireless communication facility is not in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission.*
- B.1 *The proposed new wireless communication facility will not be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, compliance with the performance standards required under ARTICLE II, Division 2-2.*
- B.2 *The proposed new wireless communication facility will have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district.*
- B.3 *The proposed new wireless communication facility will result in an impairment, pollution, and/or destruction of air, water, natural resources and/or the public trust therein.*
- C. *The proposed new wireless communication facility is not located in any Special Approval use service areas identified and adopted by the Planning Commission.*
- D. *The proposed new wireless communication facility will be a use that does impose an unreasonable burden upon public services and utilities.*

The conclusions on the considerations in Ordinance Section 4-006.4 are:

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- A.1 *The proposed new wireless communication facility is not of such location, size and character as to be compatible with the orderly development of the PL, Public Lands District in which it is situated.*
 - A.2 *The proposed new wireless communication facility will not be compatible with the orderly development or use of adjacent zoning lots.*
 - A.3 *Pedestrian circulation will not be hindered by the proposed new wireless communication facility.*
 - A.4 *Outdoor operations and display in connection with the proposed new wireless communication facility will burden and/or disrupt uses on adjacent properties.*
 - A.5 *The natural and surrounding environment will not be negatively impacted by the proposed new wireless communication facility.*
 - B. *The proposed new wireless communication facility will be within the capacity limitations of the existing or proposed public services and facilities which serve its location.*
 - C. *The proposed new wireless communication facility will be conducive to fulfilling a gap in the geographic coverage of such services to Township residents.*

MOTION CARRIED

(4-3) with commissioners Murphy, Sintkowski and Werth opposed.

2.) Rezoning. 19-12-03, Vera Camaj (Staff Reviewer – Scott Alef)

Location: 3550 Watkins Lake Rd
Request: Rezone from R-M1, Low Density Multiple-Family Residential District to R-1A, Single-Family Residential District.
Parcel I.D. No.: 13-14-327-029
Applicant: Vera Camaj

Mr. Alef gave a brief history of the zoning for this property and informed the commissioners that if approved, they plan on splitting the lot into 3 parcels.

During the public portion of the meeting, the following spoke in favor of this request.

Patty Smith of 1811 Watkins Lake Rd. favors this request, and would prefer single family over multiple family across the street.

MOTION AND VOTE

Moved by Kramer

Supported by Sintkowski; Resolved to forward a favorable recommendation in Case No. 19-12-03 on to the Township Board, to rezone the subject property of this application from R-M1, Low Density Multiple-Family Residential District to R-1A Single-Family Residential District based on the following findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.

Findings:

- A. The requested zoning change is consistent with the adopted Master Plan as amended.*
- B. The requested zoning change is consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.*
- C. The subject zoning lot is physically suitable to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.*
- D. The trend of development in the general area of the subject zoning lot is consistent with the requested zoning change.*
- E. The Township and other public agencies do possess the capacity to provide all utility and public safety services that would be required for the range of land uses permitted under the proposed zoning classification.*
- F. The requested zoning change and the resulting range of uses permitted under the proposed zoning classification will not result in any significant environmental impacts.*
- G. The proposed zoning amendment will not be detrimental to the public interest.*

**MOTION CARRIED UNANIMOUSLY
(7-0)**

3.) Special Approval. 20-01-01, Elowsky Lawn Services (Staff Reviewer – Scott Alef)

Location: 2527 Dixie Hwy
Request: Special Approval per Section 3-806.5.C (6) and 4-006 to permit Outdoor Storage as an accessory use within an M-1, Light Industrial zoning district
Parcel I.D. No.: 13-13-177-023
Applicant: Elowsky Lawn Services

Applicant or representative present: Stephanie Elowsky

Mr. Alef gave a brief overview and visual presentation of this property. Owners have been operating with similar activity but are now submitting for a formal site plan and provide proper screening. The surrounding area use has been heavy industrial for some time. MDOT has concerns with the two entrances, and would like them to reduce it to one. The current parking along the front extends in to the right-of-way, and if it could be eliminated to provide more greenspace.

Ms. Elowsky added that the only concerns would be with seasonal vehicles being stored

rather than coming and going. She did not think there would be any issues to close off one drive access and remove the parking along the front to add more landscaping.

During the public portion of the meeting, no one spoke regarding this request.

MOTION AND VOTE

Moved by Ray

*Supported by Reno; to **APPROVE** with conditions the request for special approval in this case based on the following findings and conclusion under the Ordinance review criteria and considerations, which are based on assessment of the information and statements presented in this case by or for the Township Staff, Applicant, and members of the public.*

Findings:

- A. *The proposed use is in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission.*
- B.1 *The proposed use will be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, and compliance with the performance standards required under ARTICLE II, Division 2-2.*
- B.2 *The proposed use will not have an adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district.*
- B.3 *The proposed use will not result in an impairment, pollution, and/or destruction of air, water, natural resources and/or the public trust therein.*
- C. *The proposed use is not located in any Special Approval use service areas identified and adopted by the Planning Commission.*
- D. *The proposed use will not impose an unreasonable burden upon public services and utilities.*
- E. *The proposed use will be in compliance with the regulations of the Zoning District in which it is proposed to be located.*

Conclusions:

- A.1 *The proposed use is of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is proposed to be situated.*

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- A.2 *The proposed use will be compatible with the orderly development or use of adjacent zoning lots.*
- A.3 *Pedestrian circulation will not be hindered by the proposed use.*
- A.4 *Outdoor operations and display in connection with the proposed use will not burden and/or disrupt uses on adjacent properties.*
- A.5 *The natural and surrounding environment will not be negatively impacted by the proposed use.*
- B. *The proposed use will be within the capacity limitations of the existing or proposed public services and facilities which serve its proposed location.*
- C. *The proposed use will be conducive to fulfilling a gap in the geographic coverage of such services to Township residents.*

The conditions of this approval, which have considered the Planning Commission's ability to impose reasonable restrictions to ensure compliance with the performance standards established in the Zoning Ordinance, are as follows:

- 1. Eliminate the southerly drive along the front of the property and get MDOT approval.*
- 2. Eliminate the parking that extends into the right-of-way.*
- 3. Move the sidewalk back and add more landscaping along the front.*

***MOTION CARRIED UNANIMOUSLY
(7-0)***

V. Conceptual Site Plans:

- 1.) Site Plan # PSP. 20-1352, Oakland County Business Park – Distribution Center (Staff Reviewer – Scott Alef)

Location: 327 N Telegraph Rd
Request: Concept Site Plan Review
Parcel I.D. No.: 13-25-200-036 & 13-25-200-013
Applicant: ARI-EL Enterprises

Applicant or representative present: Ari Leibovitz

Mr. Alef gave a brief visual overview of this conceptual plan for a freight handling distribution center. He noted that this plan is incomplete as submitted. MDOT did not have enough time to review, there is no street scape provided (which is required) and

other issues not yet addressed. Staff could not recommend approval at this time.

Mr. Leibovitz commented on how the demolition of the former mall was ahead of schedule and that he is trying to move forward. He has always planned to incorporate a distribution center in this area and that is why the overlay zone was pursued. There is a big demand for this type of facility. He plans to develop an up to date facility but is not ready to discuss landscape and streetscape at this time. He has reserved this outer space for other uses and development but does not yet know what that will be. He has had some feedback from MDOT and made some revisions but was hoping to get a green light from the Township to proceed and be ready to build. He further advised the commissioners that he has had numerous conversations with engineering and DPW about utilizing the existing lateral water main and storm sewer. He does not want to spend a lot of money now to replace them when they are not yet sure about the rest of the development. His plan is to test the lines and make some repairs, but to hold off on replacement until the rest of the development is decided on.

Discussion continued regarding the lack of items needed to proceed with conceptual site plan approval or to table this for more information.

Attorney Dovre spoke to the board to clarify Township Ordinance requirements for conceptual site plan approval and further advised on possible options for the applicant to work with staff to meet requirements.

Mr. Merinsky, spoke up to answer a question from the board regarding the water main. He said that staff recommended that they replace the old lines with new lines. The existing lines have been out of service for several years and DPW does not want to them. It would be up to the owner to test the lines and come to an agreement with DPW regarding this issue.

MOTION AND VOTE

Moved by Reno

*Supported by Bartolotta; Resolved to **TABLE** this until the February 25th meeting.*

MOTION CARRIED UNANIMOUSLY

(7-0)

VI. Discussion

1.) City of Auburn Hills Master Plan Update

Mr. Alef said that he just wanted the Commissioners to be aware of this information.

VII. All Else

VIII. Adjourn

Chairperson Werth adjourned the meeting at 6:23p.m.